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17
18 UNITED STATES DISTRICT COURT

19 DISTRICT OF NEVADA

20 Cung Le, Nathan Quarry, Jon Fitch, Brandon
20 Vera, Luis Javier Vazquez, and Kyle
21 Kingsbury on behalf of themselves and all
22 others similarly situated,

23 Plaintiffs,

24 v.

25 Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

26 Defendant.

27 Case No.: 2:15-cv-01045-RFB-BNW

28 **JOINT MOTION TO
CONDITIONALLY FILE UNDER
SEAL EXHIBITS TO
PLAINTIFFS' RESPONSIVE
BRIEFING RELATED TO
ZUFFA'S AND NON-PARTIES'
OBJECTIONS REGARDING
EXHIBIT LIST DOCUMENTS**

1 On June 28, 2019, Plaintiffs filed their Motion for Leave to Lodge Materials Under Seal,
 2 ECF No. 678, lodging under seal documents related to four motions concurrently filed by
 3 Plaintiffs: (1) Plaintiffs' Response to Defendant Zuffa, LLC's Objections to Plaintiffs' Exhibit
 4 List Documents, ECF No. 674 ("Plaintiffs' Objections Response"); (2) Plaintiffs' Opposition to
 5 Defendant Zuffa, LLC's Motion to Seal Exhibits and Protected Materials at the Evidentiary
 6 Hearing on Class Certification, ECF No. 675 ("Plaintiffs' Motion to Seal Opposition"); (3)
 7 Plaintiffs' Opposition to Non-Parties WME/IMG, LLC and the Raine Group LLC's Objections to
 8 Potential Use of Confidential Information at Evidentiary Hearing, ECF No. 676 ("Plaintiffs'
 9 Opposition to WME and Raine"); and (4) Plaintiffs' Opposition to Non-Parties Bellator Sport
 10 Worldwide LLC, Golden Boy Promotions, Inc., Golden Boy Promotions, LLC and Top Rank,
 11 Inc.'s Objections to Potential Use of Confidential Information at Evidentiary Hearing, ECF No.
 12 677 ("Plaintiffs' Opposition to Non-Party Promoters"). Plaintiffs and Zuffa (jointly, the
 13 "Parties") now submit this Joint Motion to reduce the burden on the Court and avoid unnecessary
 14 briefing and motion practice.

15 The briefs and the exhibits to these four motions included 26 documents that were filed
 16 under seal or redacted (the "Disputed Materials"), including several exhibits to Plaintiffs'
 17 Opposition to Zuffa's Motion to Seal Exhibits and Protected Materials at the Evidentiary Hearing
 18 on Class Certification, which addresses whether or not many of these materials should be sealed.
 19 The Disputed Materials fall into three categories: (1) materials produced by Zuffa attached to
 20 Plaintiffs' Objections Response and Plaintiffs' Motion to Seal Opposition (the "Zuffa Materials");
 21 (2) materials produced by non-parties attached to Plaintiffs' Oppositions to WME and Raine and
 22 to Non-Party Promoters that Zuffa asserts contain its confidential information (the "Non-Party
 23 Materials with Zuffa's alleged confidential information"); and (3) materials produced by non-
 24 parties attached to Plaintiffs' Oppositions to WME and Raine and to Non-Party Promoters
 25 containing only non-party information (the "Non-Party Materials").

26 The Parties disagree as to whether the Zuffa Materials and Non-Party Materials with
 27 Zuffa's alleged confidential information should remain under seal. However, the briefing they
 28

1 have already filed and the briefing they intend to file regarding sealing issues pursuant to the
 2 Court-ordered briefing schedule, ECF No. 670, directly address this dispute. Zuffa and Plaintiffs
 3 have stated each of their positions at length in their respective briefing regarding the treatment of
 4 confidential and protected material at the evidentiary hearing, ECF Nos. 631, 632, 639, 645, 665,
 5 and in other briefing on motions to seal. The Parties expect that the Court's decision on how to
 6 treat exhibits and protected materials at the evidentiary hearing will resolve the disagreement
 7 regarding whether the Zuffa Materials should remain under seal.

8 The Parties do not seek to re-litigate this issue for the purposes of these filings. Therefore,
 9 solely for the limited reason that the Zuffa Materials and the Non-Party Materials with Zuffa's
 10 alleged confidential information, as they currently stand, are still designated Confidential,
 11 Plaintiffs do not oppose Zuffa's request in this joint motion that the Zuffa Materials and Non-
 12 Party Materials with Zuffa's alleged confidential information remain under seal, in accordance
 13 with the Protective Order, until the Court has ruled on Zuffa's Motion to Seal Exhibits and
 14 Protected Materials at the Evidentiary Hearing on Class Certification ("Motion to Seal"), ECF
 15 No. 665, and determined what protected material is properly sealed during the evidentiary
 16 hearing. Plaintiffs continue to reserve their right to challenge Zuffa's and relevant non-parties'
 17 confidentiality designations pursuant to Section 6.1 of the Protective Order, ECF No. 217.

18 Though Zuffa seeks to maintain under seal the exhibits to Plaintiffs' Objections Response
 19 and Motion to Seal Opposition, it does not seek to seal all of the material Plaintiffs' initially
 20 redacted in their briefs when they filed them on the docket on June 14, 2019. Zuffa therefore
 21 submits lesser-redacted versions of both briefs as Exhibits A and B to the Declaration of Stacey
 22 K. Grigsby in Support of this Motion.

23 As to the remainder of the Non-Party Materials, Plaintiffs oppose the sealing of these
 24 Non-Party Materials. Zuffa takes no position as to whether these Non-Party Materials containing
 25 exclusively non-party information are properly sealed but, pursuant to the Protective Order, ECF
 26 No. 217, Zuffa will continue to seek to seal these materials as required by the Protective Order
 27 until such time as the non-parties or the Court orders they should be made public.

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1 Having met and conferred on this issue, the Parties jointly move to file the Zuffa Materials
2 and the Non-Party Materials conditionally under seal, pending the Court's ruling on Zuffa's
3 Motion to Seal, ECF No. 665 and on the Non-Parties' objections to the public disclosure of their
4 documents, ECF No. 661. Should the Court determine that any of the materials under seal should
5 not be sealed, the relevant Party will re-file any such materials on the public docket at that time.

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Dated: July 2, 2019

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ATTESTATION OF FILER

The signatories to this document are myself and Kevin Rayhill, and I have obtained Mr. Rayhill's concurrence to file this document on his behalf.

Dated: July 2, 2019

/s/ Stacey K. Grigsby

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Joint Motion to Conditionally Seal Exhibits to Plaintiffs' Responsive Briefing Related to Zuffa's and Non-Parties' Objections Regarding Exhibit List Documents was served on July 2, 2019 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ Brent K. Nakamura
Brent K. Nakamura